
Appeal Decision

Site visit made on 28 September 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2016

Appeal Ref: APP/Z0116/W/16/3153208

1a Ambra Vale, Clifton, Bristol BS8 4RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Iesis Ltd against the decision of Bristol City Council.
 - The application Ref 16/01126/F, dated 19 April 2016, was refused by notice dated 10 June 2016.
 - The development proposed is change of the ground floor car park and storage area to purpose-built student accommodation (Use Class Sui Generis) together with associated external alterations.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Iesis Ltd against Bristol City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Both parties have referred to differences between this proposal and a similar recent planning application in relation to the site which was also refused by the Council. I consider that the issues arising are pertinent to the proposal before me and have taken them into account in determining this appeal.

Main Issue

4. The main issue is whether the development would provide acceptable living conditions for future occupiers, with particular regard to internal living space and outlook.

Reasons

5. The appeal site is an integral car park and storage area on the ground floor of an existing three-storey building consisting of flats occupied as student accommodation. It fronts onto Ambra Vale near its junction with Hotwell Road in a residential area. The proposal is to infill the undercroft car park to create accommodation intended for students, comprising 4 bedrooms, a communal kitchen and dining area and a WC/shower along with bike and refuse storage.
6. The appellant claims that as the single bedrooms are 11m² and almost equivalent to the 11.5m² specified for a double bedroom in the National Space

Standard (NSS)¹, their size is more than adequate. I do not find that analogy persuasive as a bedroom in proposed student accommodation would serve as the occupier's main private living and study space. A bed, wardrobe and desk would take up much of the space. In that context, and within the overall layout, I consider the proposed bedrooms would be small. In any event, the parties are agreed that the space standard is not applicable to student accommodation.

7. The bedrooms would be supplemented by a communal kitchen/dining area of about 16m². Though larger than the bedrooms, it would obviously have to accommodate kitchen appliances and units, a dining table and be shared by four people. There would be only one WC/shower room. Therefore, I share the views expressed by the Council, a residents' group and other local people, that future occupants would find the conditions and layout cramped.
8. Though the Council and the appellant refer to the NSS, they arrive at different calculations for the proposed gross internal floor area of 72.3m² and 78m² respectively. This places them either side of the nearest equivalent NSS specification for a 3 bed, 4-person dwelling of 74m². The NSS does provide a reference point. However, the Council do not apply it to student accommodation and it contains no direct equivalent to the proposed layout. Given that and the lack of agreement about whether the proposal is above or below the standard specified, I give it limited weight in considering this appeal. It should also be borne in mind that, like many standards, the NSS is a minimum rather than optimum standard.
9. The bedrooms would have one narrow window measuring 520mm wide and 1120mm high. Though there would also be a modest roof light with obscure glazing, I consider that within the relatively small bedrooms the outlook would be limited, creating an oppressive and overbearing environment.
10. Whilst the communal kitchen/dining area would include a window, in contrast to the previous refused application, it would be a narrow horizontally oriented window, measuring 260mm or 280mm high (both figures are referred to within the appellant's statement of case) and 1600mm wide. Though there is also a roof light and the window would provide some additional light, its high level in the wall would not improve the outlook or relieve the sense of confinement created by mainly blank walls and generally cramped conditions.
11. I agree with the appellant that it is not uncommon to have windowless WC/shower rooms and any windows would normally have obscure glazing. However, given the limited internal living space and the number and size of windows elsewhere, I consider that the lack of a window in the WC/shower would add to a general feeling of enclosure.
12. The appellant advises that two trees in the adjoining churchyard close to the shared boundary, which are protected by TPOs², would not affect the outlook from the west facing windows because the tree canopy would be higher. However, as I observed on my site visit, there was also much other vegetation in the churchyard growing high and close to the boundary wall including a less mature tree, bushes, shrubs, and ivy. As the appellants say that the area is private land, not in their ownership, it is reasonable to conclude that they

¹ Technical Housing Standards – nationally described space standard (March 2015 DCLG)

² Tree Preservation Orders

- would have limited control over that greenery which would affect the outlook from the windows, if not subject to regular cutting.
13. The churchyard of Holy Trinity Church, a Grade II* listed building, also includes a stone boundary wall which varies in height. The window of the bedroom adjoining the kitchen/dining room would be next to the end of the higher section of the wall, which would be likely to partially intrude on the outlook from that window.
 14. Whilst the Council is concerned about limited storage space, the appellant advises that no built-in storage space was included on the basis that the NSS does not apply. Though that is acknowledged, it does not address practical concerns about the lack of communal storage space. The appellant points to indicative free-standing wardrobes and desks in the bedrooms shown on the plans but that offers private storage for personal belongings rather than for general cleaning and domestic equipment. Potentially the issue could be resolved by condition, though it is not immediately apparent where such storage space could be located within the current layout.
 15. Though limited opportunities for 'cross ventilation' and limited 'circulation space' are referred to in the Council's reasons for refusal, there is no explanation or elaboration of those concerns within the Council Officer's report or appeal statement and no specific policy context is provided. Therefore, I give them no particular weight in my decision.
 16. I accept the appellant's contention that there would be sufficient natural ventilation through the combination of windows and roof-lights and that mechanical ventilation would normally be acceptable within a WC/shower room. Whilst that, in part, rests on the assumption that the roof lights could be opened, which is not clear from the appeal documentation, any issue in that regard could potentially be resolved by condition.
 17. The appellant has drawn my attention to two recent approved planning applications³ arguing that they are comparable with the appeal scheme. Though I do not have all the details and do not know the full background pertaining to those applications, I have considered the information and plans supplied.
 18. Whilst some of the bedrooms at 66 Park Street are a similar or slightly smaller size than those in the appeal proposal, the majority of the 12 bedrooms over three floors (divided into 3, 4 and 5 persons units) are larger, whilst all three of kitchen/living/dining areas are more extensive.
 19. The Council advises that the units are within an existing building that offers a dual aspect through large sash windows. The smallest of the three kitchen/living/dining areas at 17.8m² is still larger than the appeal scheme and it has three windows whilst another has two windows. Though one of the kitchen/living/dining areas does not have windows, it is larger at 24m² and benefits from three roof lights.
 20. That scheme also includes communal storage space in all 3 units and more than one bath or shower room per unit. Therefore, whilst there are some similarities, I agree with the Council that there are a number of aspects which differentiate it from the appeal scheme.

³ References: 16/01949/F – 66 Park Street & 15/00858/F – 101A Whiteladies Road

21. With regard to 104A Whiteladies Road, though the bedrooms are smaller, the communal rooms are slightly larger than the appeal scheme and, according to the Council, have more generously sized windows rather than one high level window. That scheme also offers two WC/shower rooms for each of the four bedroom units. Therefore, whilst there are more similarities between that development and the appeal scheme including a lack of communal storage, there are also some differences.
22. Ultimately, planning decisions involve the application of judgement and policy to individual schemes which have different characteristics and must be judged on their own merits. Therefore, whilst the Council may have permitted schemes that are similar in some respects, I have considered the proposal before me on its own merits and the allegedly comparable cases do not lead me to alter my decision.
23. Having considered the above factors, I conclude that the proposal would harm the living conditions of future occupiers, with particular regard to internal living space and outlook. It follows that it is, therefore, contrary to the objectives of policies BSC18 and BSC21 of the Bristol Development Framework Core Strategy⁴ and DM27 and DM30 of the Site Allocations and Development Management Policies⁵, which, amongst other things, seek to ensure that development provides sufficient usable space for everyday activities, creates a high-quality environment for future occupiers, provides appropriate levels of outlook and that alterations to existing buildings safeguard the amenity of the host premises.

Other Matters

24. The appeal site is located within the Clifton and Hotwells Conservation Area (CA) and is proximate to a listed building. I have given the special attention required by statute to preserving the character or appearance of the CA and to preserving the nearby listed buildings and its setting.⁶ As the proposal concerns redevelopment of the ground floor of an existing building without major external changes, I do not consider that there is any harm to the CA or the Listed Building.
25. There are benefits to the proposal in providing additional student housing in an accessible and sustainable location. The appellant refers to improved refuse/recycling storage arrangements. I also note that the Council acknowledges some improvements on the previously refused scheme. However, those aspects do not outweigh the harm that I have already identified.
26. A residents' group and other local residents raised various issues with the Council, including those already dealt with above, but also a number of other matters including: loss of parking spaces leading to pressure on street parking, refuse storage, disproportionate numbers of students and short-term tenants in the area, the character and appearance of the building, overdevelopment of the site, increased noise and sufficiency of light. The Council responded in some detail to the bulk of those issues within their Officer's report which is publicly available. Whilst I have also considered them, I share the Council's view, that

⁴ Adopted June 2011

⁵ Adopted July 2014

⁶ Ss. 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

they either do no harm or are not sufficient to constitute reasons for refusal.
In any event, I have dismissed the appeal on other grounds.

Conclusion

27. Therefore, I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR